

Fiscal Note

Fiscal Services Division



HF 573 – Assault on Public Transit Worker (LSB 2095HV)

Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.iowa.gov)

Fiscal Note Version – New

Description

House File 573 expands protected classes under [Iowa Code section 708.3A](#) (assaults on persons engaged in certain occupations) to include an assault on a public transit bus operator. A person convicted of assaulting a member of a protected class is subject to enhanced penalties.

Background

Correctional and Fiscal Information

- Current law provides a graduated system of penalties ranging from a serious misdemeanor to a Class “C” felony, depending on the circumstances of the assault on a protected class. Felony convictions under [Iowa Code section 708.3A](#) are forcible felonies with a mandatory sentence to prison.
- The impact to the Judicial Branch operating budget is the case cost difference between an aggravated misdemeanor (\$209) and a Class “D” felony (\$427). The case costs are approximately the same for a serious and an aggravated misdemeanor.
- The table below shows FY 2012 offender-based convictions for assaults on a protected class, according to the Justice Data Warehouse:

FY 2012 Convictions by Offense Class

Offense Class	Convictions
Serious Misdemeanor	397
Aggravated Misdemeanor	111
Class "D" Felony	20
Total Convictions	528

- According to the Justice Data Warehouse, the Criminal and Juvenile Justice Planning Division, and the Department of Corrections, the following are estimates for sentencing, length of stay by offense class, and costs for assaults on a protected class:

Criminal Justice System Information

Conviction Offense Class	Percent Sentenced to State Prison	Avg Length of Stay in Prison	Marginal Cost Per Day	Percent Sentenced to Probation	Avg Length of Stay on Probation	Avg Length of Stay on Parole	Average Cost per Day for Prob/Parole	Percent Sentenced to CBC Res. Facility	Avg Length of Stay in CBC Res. Facility	Marginal Cost Per Day	Percent Sentenced to County Jail	Avg Length of Stay in County Jail	Marginal Cost Per Day*
Serious Misdemeanor	3.9%	6.9 months	\$17.60	39.9%	12.5 months	0	\$3.66	0.9%	5.8 months	\$11.82	65.4%	49	\$15.00
Aggravated Misdemeanor	13.1%	11.0 months	\$17.60	45.4%	20.4 months	5.5 months	\$3.66	3.1%	5.8 months	\$11.82	50.8%	59	\$15.00
Class "D" Forcible Felony	100.0%	22.9 months	\$17.60	80.0%	0	12.5 months	\$3.66	0.0%	0	\$0.00	0.0%	0	\$15.00

*Marginal costs for county jails cannot be determined due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$15.00 per day.

- Approximately 94.0% of the marginal cost per day for Community-Based Corrections (CBC) residential facilities is paid from local resources.

Minority Data Information

The table below shows the FY 2012 offender-based convictions for assaults on a protected class by race/ethnicity, according to the Justice Data Warehouse. Minority offenders are disproportionately convicted compared to their percentage of the Iowa population.

FY 2012 Convictions for Assault on Protected Classes by Race/Ethnicity

Conviction Offense Class	Percent White	Percent Black	Percent Hispanic	Percent Native American	Percent Asian	Percent Other or Unknown
Serious Misdemeanor	69.3%	18.6%	2.5%	1.5%	0.5%	7.6%
Aggravated Misdemeanor	61.3%	24.3%	2.7%	2.7%	0.9%	8.1%
Class "D" Felony	60.0%	15.0%	5.0%	5.0%	0.0%	15.0%
Total Convictions	67.2%	19.7%	2.7%	1.9%	0.6%	7.9%

Refer to the [Minority Impact Memo](#), dated February 11, 2013, for information related to minorities in the criminal justice system.

Assumptions

Correctional and Fiscal Information

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.
- The law will become effective July 1, 2013. A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- A percentage of current convictions for serious misdemeanors will become aggravated misdemeanors under this Bill. A percentage of aggravated misdemeanors will become Class "D" felony convictions under this Bill.
- These will be bench trials.
- The impact on the indigent defense budget is expected to be minimal. The fee cap for a serious misdemeanor conviction is \$600. The fee cap for an aggravated misdemeanor is the same as a Class "D" felony — \$1,200.

Minority Data Information: The impact on minorities will remain consistent with current data.

Summary of Impacts

Correctional Impact

The correctional impact cannot be estimated due to a lack of data. However, a percentage of offenders currently convicted of a serious misdemeanor and sentenced to probation will be convicted of an aggravated misdemeanor and sentenced to State prison or county jail with probation. A percentage of offenders currently convicted of an aggravated misdemeanor and sentenced to county jail will now be convicted of a Class "D" felony and sentenced to State prison.

Minority Impact

The minority impact cannot be estimated but may be significant. Approximately 24.9% of offenders convicted under this Bill's provisions may be minorities, specifically Blacks and Native Americans. This Bill shifts a percentage of serious misdemeanor convictions to aggravated

misdemeanor convictions, and a percentage of aggravated misdemeanor convictions to Class "D" forcible felony convictions. Enhanced penalties will result in an increased number of minority offenders supervised in the correctional system, and they will be supervised for a longer period than under current law.

Fiscal Impact

The fiscal impact cannot be estimated but may be significant, depending on the number of convictions under the provisions of this Bill. State General Fund costs for one serious misdemeanor assault conviction total approximately \$1,700. State General Fund costs for one aggravated misdemeanor assault conviction total approximately \$3,400. State General Fund costs for one Class "D" forcible felony assault convictions total approximately \$17,100. Cost estimates for all offense classes will be incurred across multiple fiscal years while the offender is supervised in the correctional system, either in prison or the community.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Office of the State Public Defender
State Court Administrator's Office

/s/ Holly M. Lyons

March 21, 2013

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
